

## **Section 17 Review Statement**

**Application No. A/H10/97**

**Submission of Layout Plan and Proposed Minor Relaxation of Building Height Restriction for Permitted 'Flat' Use in "Residential (Group C)7" Zone,**

**The Ebenezer School and Home for the Visually Impaired, 131 Pok Fu Lam Road, Pok Fu Lam, Hong Kong**

**The Ebenezer School and Home for the Visually Impaired Limited**

**November 2024**

## Section 17 Review Statement

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**Appendix 1:** Town Planning Board Letter of Decision dated 9 September 2024

**Appendix 2:** Layout Plan Options

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## 1. Introduction

- 1.1. On the 16.8.2024 the Metro Planning Committee (MPC) of the Town Planning Board (TPB) considered application No. A/H10/97 for a layout plan submission and a proposed minor relaxation of Building Height Restriction (BHR) for the permitted 'Flat' use in "Residential (Group C)7" zone. The application was rejected and the decision was included in a letter from the TPB dated 9.9.2024. On 30.9.2024, the Applicant submitted a letter to the TPB requesting a Review of that decision under Section 17 of the Town Planning Ordinance (TPO). In that letter, the grounds for the Review were set out.
- 1.2. This Review Statement provides further elaboration on the grounds for the Review and focuses on the most relevant matters for the Review Hearing. The information provided during the Section 16 stage, including in the Planning Statement and Further Information (FI), submitted in response to government departmental comments are still relevant, unless otherwise stated.

## 2. Reasons for Rejection

- 2.1. The reasons for rejection are included in the letter from the TPB attached as **Appendix 1**, and reads as follows: -
  - a) *the applicant fails to demonstrate that the proposed development as shown on the layout plan would have no adverse traffic impact on Pok Fu Lam Road; and*
  - b) *the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of building height restriction (BHR).*
- 2.2. Given the circumstances of this application and the requirements for a layout plan submission as set out in the OZP, the reasons for rejection are considered unreasonable and the decision is therefore requested to be reviewed.
- 2.3. The main body of this Review Statement will be divided into two parts, with each part addressing one of the reasons for rejection: Part 1 will cover reason (a), and Part 2 will cover reason (b).

## PART 1: Reason for Rejection (a)

### 3. Background to the Layout Plan Requirement

*Purpose of the Layout Plan Requirement: to address environmental and sewerage issues*

- 3.1. The requirement to submit a layout plan for any new development in the “R(C)7” zone was first introduced in the Draft Pok Fu Lam Outline Zoning Plan No. S/H10/20. It was part of the amendment to incorporate the partially agreed Section 12A application No. Y/H10/14, which was to rezone the subject Ebenezer site from “Government, Institution or Community” (“GIC”) to “Residential (Group 7)”.
- 3.2. The inclusion of the layout plan requirement was in response to the comments of the Director of Environmental Protection (DEP) during the processing and consideration of the S.12A application. Specifically, it was to address the potential traffic noise and air quality impact on the future residential development at the “R(C)7” site, as well as to ensure that the future development would not lead to any adverse sewerage impact on public sewerage. The layout plan requirement provides a mechanism to ensure that appropriate mitigation measures would be incorporated in the future development, and that relevant technical assessments would be carried out to address the DEP’s concerns regarding environmental and sewerage issues.
- 3.3. Accordingly, Clause (3) of the Notes of the “R(C)7” zone states:

*(3) For any new development or redevelopment of an existing building at sub-area “R(C)7”, a layout plan shall be submitted for the approval of the Town Planning Board. The layout plan should include the following information:*

- i. the proposed land use(s), and the form, disposition and heights of all buildings (including structures) to be erected on the site;*
- ii. the proposed total gross floor area for various uses and facilities;*
- iii. an environmental assessment report to examine any possible environmental problems in terms of air quality and traffic noise that may be caused to the proposed development and the proposed mitigation measures to tackle them;*
- iv. a sewerage impact assessment report to examine any sewerage problem that may be caused by the proposed development and the proposed mitigation measures to tackle them; and*
- v. such other information as may be required by the Town Planning Board.*

- 3.4. Similarly, Paragraph 7.4.3 of the Explanatory Statement to the OZP reads as follows:

*“7.4.3 . For the “R(C)7” site, future development is restricted to a maximum plot ratio of 1.9 and a maximum building height of 151mPD. For any new development or redevelopment of an existing building, a layout plan should be submitted to the Board for approval to address concerns on environmental aspects. The layout plan submission should set out the proposed land use(s), and the form and disposition of*

*all buildings, and provide relevant technical assessments to ensure the air quality, traffic noise and sewerage issues could be properly addressed. The plot ratio control under “R(C)7” zone is regarded as being stipulated in a “new or amended statutory plan” according to the Joint Practice Note No. 4 “Development Control Parameters Plot Ratio/Gross Floor Area”, and shall be subject to the streamlining arrangements stated therein.”*

*Provision of a Bus Layby Requested by Transport Department*

- 3.5. During the S.12A application stage, Transport Department (TD) had requested the provision of a bus layby on Pok Fu Lam Road adjacent to the proposed residential development, to improve existing traffic condition. The existing bus stop adjacent to the Ebenezer site is an on-street bus stop (i.e. no bus layby is provided).
- 3.6. It was accepted by TD at the time that the provision of a bus layby would be subject to further feasibility study in the detailed design stage. Such feasibility study was conducted at the S.16 application stage. The feasibility study involved various technical, logistical and practical considerations, which have been reflected in the submitted layout plan.
- 3.7. The layout plan proposed a 2m-wide bus layby and a small portion of the public footpath being 1.3m wide, as illustrated in **Figure 1**. This proposal was submitted as part of Further Information (2) during the S.16 stage in June 2024.

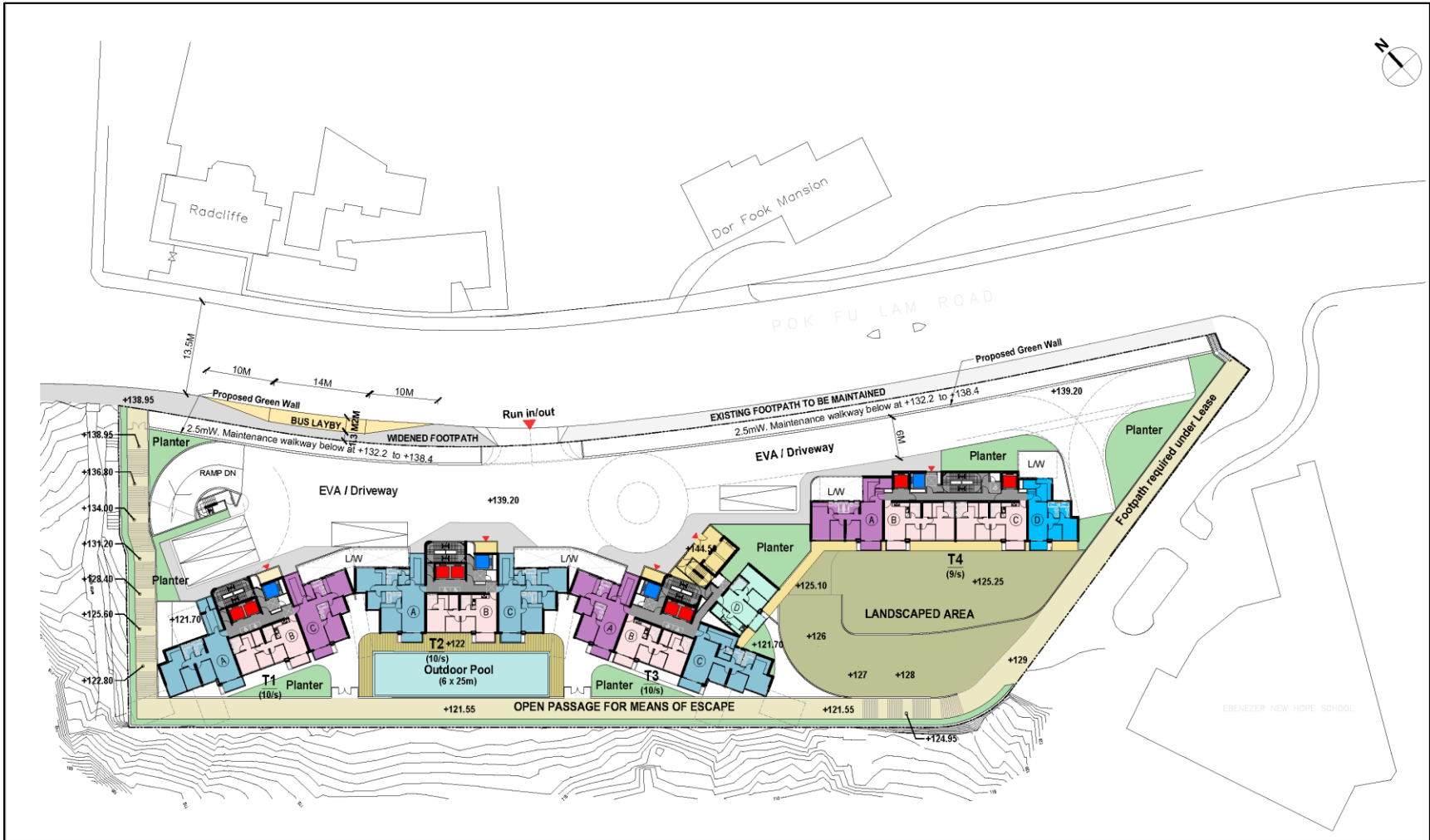


Figure 1 Layout Plan including a 2m-wide bus layby, submitted as part of Further Information (2) of the S.16 Application in June 2024

#### **4. Submission of Layout Plan Requirement has been Fulfilled**

- 4.1. The layout plan submission has been made in accordance with the requirements set out in the Notes of the “R(C)7” zone as well as the Explanatory Statement. The layout plan submitted in the S.16 application has fulfilled the following:
  - i. Set out the proposed land use i.e. residential use, and illustrated the form and disposition of all buildings;
  - ii. Set out the proposed total gross floor area for various uses and facilities; and
  - iii. Provided an Environmental Assessment and a Sewerage Impact Assessment, ensuring the air quality, traffic noise and sewerage issues are addressed. In this regard, relevant Government Departments including the DEP has no in-principle objection to the application.
- 4.2. With reference to how the rezoning of the site to “R(C)7” zone was considered and as indicated in the Notes to the “R(C)7” and in the Explanatory Statement, the layout plan requirement effectively provides a mechanism for the TPB and Government departments to review and ensure that traffic noise, air quality and sewerage issues would be addressed in the proposed development. As demonstrated in paragraph 4.1 above, these issues have been addressed.
- 4.3. It is important to note that traffic impact has not been identified as a matter to be considered in the submission of the layout plan, and the amount of traffic generated by the proposed residential development was acceptable. As it was not a matter for the layout plan requirement, it is considered irrelevant to the consideration of the S.16 application. Reason for rejection (a) is therefore considered unreasonable.

#### **5. Proposed Development Has No Adverse Traffic Impact**

- 5.1. Regardless of the relevancy of traffic impact, the S.16 application which included a Traffic Impact Assessment (TIA), has demonstrated that the proposed development would have no adverse traffic impact on the surrounding road network.

##### *Reduced Number of Pedestrians*

- 5.2. According to the TIA, as the existing Ebenezer School and Home for the Visually Impaired (Ebenezer) will be relocated and replaced by the proposed development comprising 135 residential units only, the number of pedestrians would be reduced significantly. In terms of two-way pedestrian flows on the footpath adjacent to the application site (as observed in 2023), the existing situation has a total of 679 pedestrians daily. It should be noted that over 85% of the pedestrians are generated by Ebenezer. In comparison, the proposed development is estimated to generate a daily total of only 455, which is a significant reduction from the existing situation.
- 5.3. Given that the number of pedestrians on the nearby footpaths will be reduced, the conditions along the footpaths and at the bus-stop by the application site would be improved as a result of the proposed residential development.

##### *Reduced Number of Buses Stopping at the Northbound Bus Stop Adjacent to Site*

- 5.4. With reference to the TIA, the number of pedestrians that will use the northbound bus stop would also be reduced significantly compared to the existing usage by Ebenezer. It is

forecasted that there would only be a maximum hourly flow of 12 persons accessing the bus stop adjacent to the application site. As a result, the number of buses stopping at the northbound bus stop adjacent to the application site would also be reduced significantly, from the existing situation of one stopping bus every 2-4 minutes to around one stopping bus every 5-10 minutes. In other words, the existing traffic situation in respect to buses stopping on northbound Pok Fu Lam Road, would also improve after the relocation of Ebenezer and the implementation of the proposed residential development.

- 5.5. It should be noted that the TIA has taken into consideration the future development by the University of Hong Kong (HKU) located to the immediate north and northwest in an area zoned “G/IC(1)”. The northbound bus stop located adjacent to the subject application site will unlikely be used by users of the HKU development, as these users would likely go upstream to the bus stop located further north. It is therefore not expected that there would be any additional bus passengers from the HKU development accessing the bus stop adjacent to the application site.
- 5.6. Based on the TIA findings that both the number of pedestrians on nearby footpaths and the number of bus passengers accessing the bus stop adjacent to the application site would be reduced, an on-street northbound bus stop adjacent to the application site would suffice. It would be sufficient to enable a technically feasible scheme that would not lead to adverse traffic impact. Thus, the provision of a bus layby is not technically necessary for the proposed development.

## 6. Provision of a Feasible Bus Layby

- 6.1. Notwithstanding the TIA findings indicating that a bus layby adjacent to the site is not necessary, in seeking to further improve the traffic conditions on Pok Fu Lam Road to benefit the public, the feasibility of a bus layby to be provided adjacent to the Site was studied at the S.16 stage.

### *Technical and Practical Constraints*

- 6.2. The feasibility study however found a number of constraints with regards to providing an up-to-standard 3.3m wide bus layby.

	<b>Constraint</b>	<b>Details</b>
1.	Technical structural constraint	<p>i. Provision of a 3.3m wide bus layby would require the modification and extension of an existing cantilevered highway structure (H123) of Pok Fu Lam Road, resting on an existing slope feature no. 11SW-C/C87. (<b>Photo 1</b>)</p> <p>In accordance with comments from Highways Department (on a previous proposal which required additional structures), <i>“The proposed road works should not be designed to impose additional loading on the existing highway structure (H123).”</i><sup>1</sup></p>

<sup>1</sup> Comment from Highways Department via email dated 20.12.2023 as set out in Further Information (1) Response to Comments document of the S.16 Application

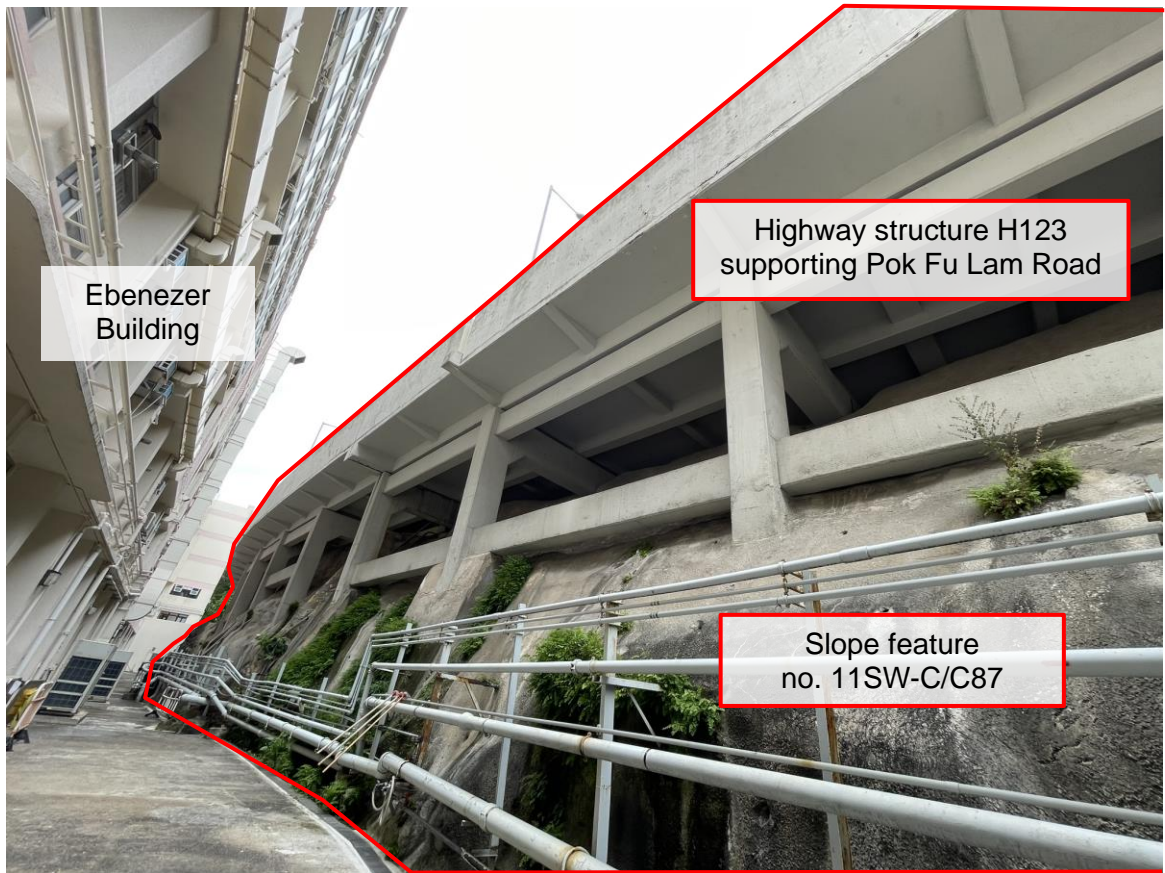


		<p>In addition, "...please provide justification to demonstrate that the structural integrity of existing highway structure no. H123(bridge) will not be adversely affected by the proposed works."<sup>2</sup></p> <p><b>It is technically infeasible not to impose any additional loading for the modification and extension of the existing projecting highway structure (H123) for the provision of an additional bus layby (with min. 30-ton imposed loads).</b></p> <p>The geotechnical stability impact to the existing slope feature no. 11SW-C/C87 is also in doubt.</p> <p>On that basis, the provision of a 3.3m wide bus layby is deemed not technically feasible.</p>
	ii.	<p>A maintenance walkway is provided within the application site which runs along the northeastern site boundary and is below the level of Pok Fu Lam Road. <b>(Figure 2)</b> This walkway is required to provide Highways Department maintenance access for the existing highway structure H123 supporting Pok Fu Lam Road as well as the slope feature no. 11SW-C/C87 <b>(Figure 3)</b>.</p> <p>As an alternative to an extended cantilever structure, additional columns and footings on the maintenance walkway would be required to support the extension of Pok Fu Lam Road to accommodate a 3.3m wide bus layby. However, Highways Department had commented that <i>"The proposed new structures to support the widened footpath should be designed not to affect the routine monitoring and maintenance works for existing highway structure H123."</i><sup>3</sup></p> <p>As such, proper access along the maintenance walkway needs to be reserved for Highways Department to inspect and maintain the existing structure supporting Pok Fu Lam Road. Therefore, this alternative of constructing additional columns is also deemed not technically feasible.</p>

<sup>2</sup> Comment from Highways Department via email dated 20.12.2023 as set out in Further Information (1) Response to Comments document of the S.16 Application

<sup>3</sup> Comment from Highways Department via email dated 20.12.2023 as set out in Further Information (1) Response to Comments document of the S.16 Application

2.	Maintaining an adequate road width	<p>i. There is a need to maintain an adequate width for Pok Fu Lam Road to avoid causing adverse traffic impact and to ensure traffic safety.</p> <p>Pok Fu Lam Road is a 4-lane, Primary Distributor Road in an urban area. According to the Hong Kong Planning Standards and Guidelines (HKPSG) and the Transport Planning and Design Manual (TPDM), the minimum width required for this road type is 13.5m.</p>
3.	Complications regarding land ownership and associated maintenance and management responsibilities	<p>i. Given the constraint of maintaining an adequate road width, in order to have sufficient space to accommodate a 3.3m wide bus layby, it would require the use of some of the private lot (i.e. application site).</p> <p>However, this would lead to a series of issues and uncertainties relating to land ownership, as well as the future maintenance and management of the public footpath and bus layby that would be within the private lot.</p> <p>Under normal circumstances, once the residential development is completed and units sold to individual owners, the ownership and thus, the management and maintenance of the private lot rest upon these individual owners. However, there are uncertainties and complications with this arrangement as the footpath and bus layby are for public use, and would be part of a highway structure maintained and managed by Highways Department. There has not been any certainty on who would be responsible for the management and maintenance of the public footpath and bus layby, whether that be Transport Department, Highways Department or split between the Government and future owners.</p> <p>It would therefore be impossible for the Applicant to commit to a provision of this nature within the private lot given these circumstances. Provision of a bus layby and public footpath within the private lot is not feasible.</p>

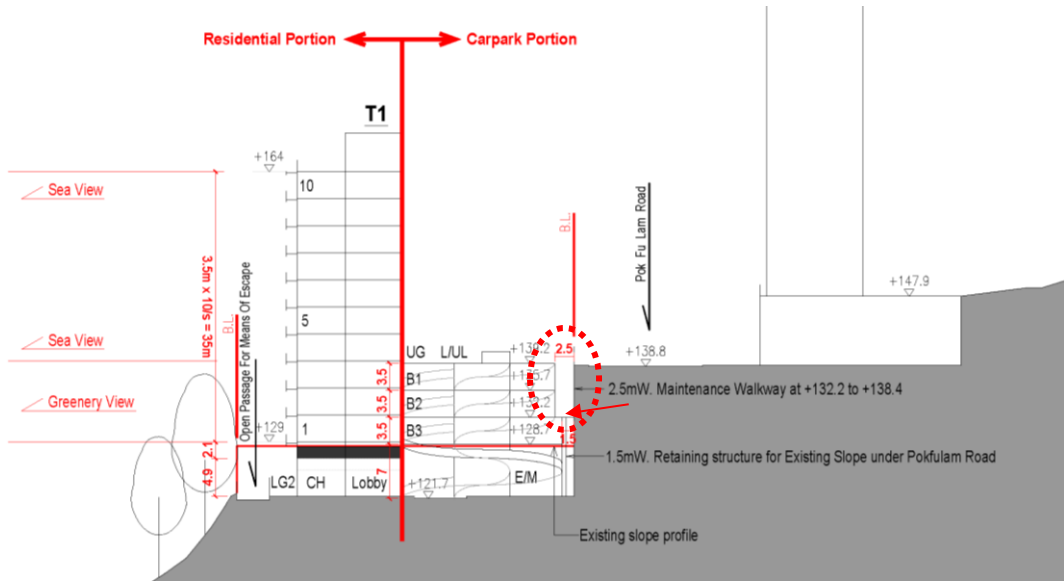


Ebenezer  
Building

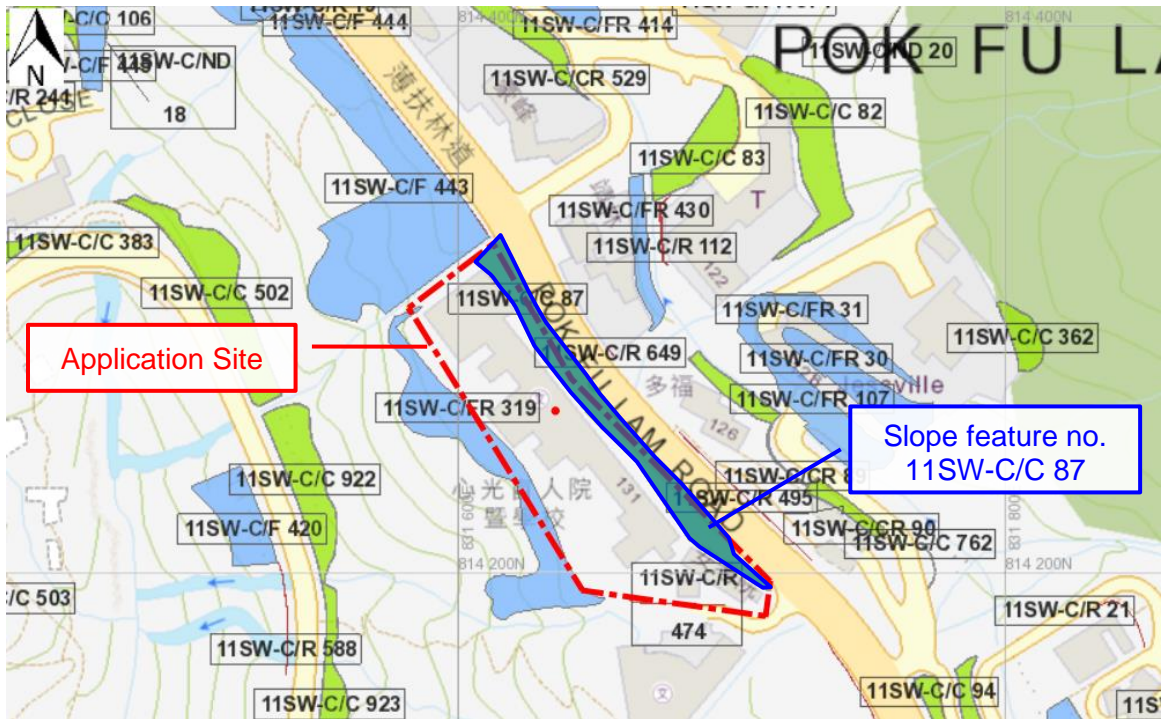
Highway structure H123  
supporting Pok Fu Lam Road

Slope feature  
no. 11SW-C/C87

**Photo 1** Existing projecting highway structure of Pok Fu Lam Road and slope feature no. 11SW-C/C87



**Figure 2** Required 2.5m wide maintenance walkway within the application site, at 132.2mPD to 138.4mPD (below Pok Fu Lam Road level)



**Figure 3** Slope feature no. 11SW-C/C 87 managed and maintained by Highways Department partially falls within the application site

*A Feasible Solution for Providing a Bus Layby*

- 6.3. Taking into consideration the above constraints and challenges, the only feasible option is to provide on Government land, a slightly modified 2m-wide bus layby with 1.3m-wide public footpath adjacent to the layby, and to minimally reduce the width of Pok Fu Lam Road carriageway to the standard requirement of 13.5m, without causing significant adverse traffic impact. This is the proposal submitted in the S.16 application as shown in **Figure 1**.

**7. Layout Plan Options Ensuring No Adverse Traffic Impact on Pok Fu Lam Road**

- 7.1. In addressing the reason for rejection (a), taking into consideration the TIA findings as well as the various technical and practical site constraints, three layout plan options are proposed for the consideration of the TPB, as detailed below and attached at **Appendix 2**. These options are considered the most reasonable and feasible that would have no adverse traffic impact on Pok Fu Lam Road.

- i. Option 1: Provision on Government land, a 2m-wide bus layby with 1.3m-wide public footpath adjacent to the layby, as proposed in the S.16 application.*

The TIA has demonstrated that this proposal would not create adverse traffic impact on the surrounding road network including Pok Fu Lam Road. In particular, despite having a small portion of the public footpath adjacent to the bus layby reduced in width to 1.3m, the Level of Service of footpath (LOS) can still be maintained at 'A' which is the highest level.

- ii. Option 2: Relocate the existing on-street bus stop around 65m towards the north to provide a minimum sight distance of 100m from the proposed run-in/out, and keep the existing public footpath.*

The TIA has demonstrated that after the relocation of Ebenezer and subsequently the implementation of the proposed residential development, the number of pedestrians and busses stopping at this location would be reduced. As such, maintaining an on-street bus stop is a feasible option and would have no adverse traffic impact on Pok Fu Lam Road.

- iii. Option 3: Relocate the existing on-street bus stop around 65m towards the north to provide a minimum sight distance of 100m from the proposed run-in/out, and widen the footpath by minimally reducing the width of Pok Fu Lam Road carriageway.*

This layout plan option allows the public footpath to be widened to 2.5m, providing an improved pedestrian environment for the public. The width of the carriageway would only require minimal reduction to 14m, which is above the minimum standard requirement of 13.5m. An adequate width would be maintained for the carriageway to ensure that there would be no adverse traffic impact.

- 7.2. All of the three options above do not require additional structures to be constructed, and would not interfere with existing highway structures and slope features. Moreover, the proposals for the public footpath and bus stop would only involve Government land. This would significantly simplify the future management and maintenance of these public facilities.
- 7.3. These layout plan proposals address the technical and practical site constraints to provide feasible solutions that ensure there would be no adverse traffic impact, and where possible, aim to improve traffic conditions.

## **PART 2: Reason for Rejection (b)**

### **8. Background to Proposed Minor Relaxation of Building Height Restriction (BHR)**

- 8.1. As part of the S.16 planning application, in addition to the submission of a layout plan, a minor relaxation of the BHR has also been proposed. This proposal has been made in accordance with Clause (6) of the Remarks of the “R(C)” zone, which states:

*“(6) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio, site coverage and building height restrictions as stated in paragraphs (1) and (2) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.”*

- 8.2. Paragraph 7.4.4 of the Explanatory Statement (ES) relating to the minor relaxation clause of the “R(C)” zone further states that:

*“7.4.4 ...The purpose of this provision is to allow the Board to consider proposals for building layout and design which, while not strictly complying with the stated restrictions, meet the planning objectives.”*

- 8.3. On this basis, a minor relaxation of the BHR from 151mPD to 164mPD is proposed. Reasons and justifications for the proposed minor relaxation, including various planning and design merits have been provided in the S.16 submission. However, TPB considered that *“the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of building height restriction (BHR).”* [reason for rejection (b)].
- 8.4. During deliberation at the MPC meeting, one member is quoted in paragraph 21 of the Minutes as saying *“The applicant had not yet demonstrated sufficient planning and design merits that would benefit the public.”* It should be noted that no-where in the ES and Notes quoted above in paragraphs 8.1 and 8.2 is there any requirement that the relaxation in BH must result in a public benefit”. It should be considered on its individual merits, and improved residential accommodation for the future residents is a suitable reason, and relates to the health of the future residents.
- 8.5. The detailed planning assessment and justifications provided in the S.16 Planning Statement remain to be relevant and should be referred to. The following points are those

that are considered the most relevant to this S.17 Review and are therefore elaborated in this Part 2 of the Review Statement.

## **9. Reasons for Proposed Minor Relaxation of BHR**

### *Technical Requirement for a Maintenance Walkway*

- 9.1. The Planning Statement submitted as part of the S.16 application provided various reasons for the proposed minor relaxation. However, one of the reasons that is significant but seemed to have been overlooked during TPB's consideration of the S.16 application, is the requirement to provide a 2.5m wide maintenance walkway within the application site.
- 9.2. The maintenance walkway had not been included in the conceptual scheme accepted by TPB at the S.12A stage. It has only been included after further detailed design that had been carried out at the S.16 stage. The maintenance walkway is a technical requirement to provide access for Highways Department to carry out routine monitoring and maintenance of existing highway structure H123, which is the supporting structure for Pok Fu Lam Road.
- 9.3. The provision of this maintenance walkway constrains the layout and development of the site. The purpose of the accessway is to assist with the maintenance of the public roads and could therefore be considered a public gain arising from the relaxation of the BHR.

### *The Need for the S.12A Layout Plan to be Modified*

- 9.4. The area reserved for the maintenance walkway is non-buildable. As a result, the total developable area within the existing small, irregular and elongated private lot is reduced. The layout of the residential development as proposed and accepted by TPB during the S.12A stage needed to be modified and squeezed to fit into the effectively smaller, developable site area. At the same time, it would need to provide the necessary EVA and vehicular accesses, parking spaces, greenery, building setback and building gap to meet the relevant technical requirements, including those set out in the Hong Kong Planning Standards and Guidelines (HKPSG) and Sustainable Building Design (SBD) Guidelines. It is also the Applicant's intention to make an efficient use of land and thus, to ensure the modified design scheme would accommodate the full permitted GFA of 12,274 sqm as indicated by the OZP restriction of a maximum plot ratio of 1.9 for the "R(C)7" zone.
- 9.5. Under these provisions and considerations, the layout plan of the proposed residential scheme has been modified such that the number of blocks has been reduced from five to four blocks. This would provide the space needed for the necessary EVA and vehicular accesses, parking spaces, greenery, as well as building setback and gap, to ensure that the scheme is feasible and well-designed. However, to accommodate the permitted GFA of 12,274 sqm, there would need to be a minor increase in building height. As such, a minor relaxation of BHR from 151mPD to 164mPD is proposed.

### *Commitment to Improve Sustainability of the Development*

- 9.6. In pursuit of achieving a more sustainable development, the proposed S.16 scheme seeks to minimise the excavation volume and thus, minimise construction waste. The proposed minor relaxation of BHR to 164mPD would enable a slight raise in the site formation level, and thereby reduce the excavation volume from about 50,400m<sup>3</sup> to 47,000 m<sup>3</sup>. As a result,



the amount of construction waste arising from the proposed development will be reduced, ensuring a more sustainable development.

## 10. Proposed Building Height is Compatible with Surrounding Developments

10.1. As detailed in Paragraph 18.4 of the Planning Statement, the proposed building height of 164mPD is not excessive and is compatible with the surrounding developments. The surrounding area generally consists of taller buildings, with building heights on the opposite side of Pok Fu Lam Road ranging from about 182mPD to 227mPD. To the immediate north and northwest is an area zoned "G/IC(1)" with a BHR of 164mPD reserved for the proposed academic buildings for the Faculty of Medicine of the University of Hong Kong (HKUMed).

10.2. The proposed building height of 164mPD is therefore compatible with its surrounding context. It would also maintain the existing stepped building height profile descending towards the seaside.

10.3. This is consistent with the planning assessment of Planning Department. With reference to the MPC Paper No. A/H10/97B, the Chief Town Planner/ Urban Design and Landscape, PlanD commented that:

*"The Site is surrounded by medium-rise residential developments and road to its east, and dense vegetated slope to its west. The proposed development is **not incompatible** with the surrounding landscape setting."*

10.4. Similarly, according to the Minutes of the MPC meeting on 16.8.2024, the District Planning Officer/Hong Kong made the point that:

*"to the east of the Site across PFLR, there were a few residential developments with BHs of approximately 200mPD or above due to the hilly terrain. To the west of PFLR, the planned academic buildings for the Faculty of Medicine of HKU located immediately to the northwest of the Site had a BHR of 164mPD. The BHs of other existing HKU developments to the further northwest of the Site ranged from 169mPD to 189mPD. The proposed development with a minor relaxation of the BHR to 164mPD was considered **not incompatible** with the surrounding developments"*

10.5. It should be noted that to the immediate west of the application site (area of about 4.72ha) is a site intended for the development of a Global Innovation Centre by the University of Hong Kong (HKU) (subsequently referred to as 'HKU GIC site'). Planning Department initiated and proposed amendments to rezone the HKU GIC site from "Green Belt" and "R(C)6" to "Other Specified Uses" annotated "Global Innovation Centre" ("OU(Global Innovation Centre)") with a BHR of 158mPD. On 1.3.2024, the MPC agreed that the proposed amendments are suitable for exhibition under Section 5 of the Town Planning Ordinance. The relevant Draft OZP No. S/H14/22 was then published on 22.3.2024. The proposed amendments are currently undergoing the plan-making process.

10.6. When comparing how the BHR of 151mPD at the Ebenezer site had been considered and established historically, and how the BHR of 158mPD at the HKU GIC Site had been proposed by Planning Department and agreed by TPB for exhibition, there seems to be inconsistency in the way BHRs are determined and assessed. The proposed building



height of 164mPD at the subject application site, is considered significantly more appropriate and compatible with its locality and surrounding context.

## 11. Floor to Floor Height for Modern Buildings

- 11.1. With reference to the Minutes of the MPC meeting on 16.8.2024, during the deliberation session of the meeting, some Members opined that *“there was no strong justification to support the proposed development with minor relaxation of BHR to 164mPD e.g. need to increase floor-to-floor height from 3.15m to 3.5m.”*

*Modern Standard for Residential Buildings: Floor-to-Floor Height*

- 11.2. There are various Practice Notes and references which indicate that a floor-to-floor (FTF) height of 3.5m is within the range that Government departments accept. References are included in **Appendix 3** and the main points are summarised below:-

- i. *Buildings Department Practice Note No. PNAP APP-5:*  
A range of storey heights for domestic buildings may be accepted: (not exceeding) Topmost Floor 4m, Typical Floor 3.5m
- ii. *Lands Department Lands Administration Office Practice Note No. 4/2014:*  
“Generally the floor-to-floor height 3.5m for flats and 4.5m for house developments are acceptable”
- iii. *Joint Practice Note No 5 “Development Control Parameters Building Height Restriction”:*  
It is stated that the acceptable floor-to-floor height is a range as specified in PNAP 5 (see 11.2.i above) and is to be determined by Building Department.

- 11.3. As evident from the various Government published Practice Notes, the proposed 3.5m FTF height is considered a typical and acceptable height for residential flats.

*Increase in Floor-to-Floor Height: A Design Merit*

- 11.4. The increase in the floor-to-floor height is a design measure to improve the quality of the internal living space which will benefit the future residents of the building. This in itself is a design merit which should be encouraged to meet the needs for better quality housing and ventilation in the post-Covid era.
- 11.5. The impact of Covid-19 on residential design and the benefits of a higher FTF is referred to in the various studies, reports and articles attached at **Appendix 4**. The following points are relevant to understanding the issues:-

- i. ***The importance of Vertical Space within an Apartment.*** There are many references to the need for good vertical space in apartments. The reasons for this are because:

*“The height of a ceiling contributes to amenity within an apartment and the perception of space. Well designed and appropriately defined ceilings can create spatial interest and hierarchy in apartments. Ceiling height is directly*

linked to achieving sufficient natural ventilation and daylight access to habitable rooms" (extracted from the New South Wales Government Apartment Design Guide – see **Appendix 4.1**)

- ii. **Climate Change:** Climate Change is placing a greater demand on buildings to be more energy efficient so as to reduce carbon production and to minimise increasing temperatures. There is a pressing need to reduce energy demands from new buildings. In accordance to Hong Kong's Climate Action Plan (Oct 2021), buildings account for about 90% of Hong Kong's total electricity consumption and the Government's target is to reduce electricity consumption of residential buildings by 20% to 30% by 2050. Reliance on natural ventilation is one important measure to achieve this.

In the 80+ years of the life of the proposed building, increases in climate temperatures will take place resulting in more significant outbreaks of new epidemics such as SARS and Covid-19:

*"Climate change represents a fundamental threat to lives and wellbeing. Direct and indirect impacts of climate change threaten human health by affecting some of the fundamental determinants of health – weather, air, water and food as well as transmission pattern of different diseases. The climate change is one of the biggest global health issues of the 21st century.. (extracted from "Health Effects of Climate Change", Centre of Health Protection Hong Kong – see **Appendix 4.3**).*

*"... Apart from the economic problems that governments around the world are now trying to solve, the construction industry stakeholders and policy makers are beginning to talk about how we can design a more "disease resilient" and healthier built environment.*

**Climate Change** Epidemiologists (Patz, 2000) have already warned that new and unknown diseases will appear. For example, Dengue Fever cases in Hong Kong used to be imported from the Tropics. However, recently more local cases have been reported. WHO (2003) has already warned of an apparent increase in many infectious diseases. It is therefore likely that pandemics similar to COVID-19 will appear more often, will be more intense and will last longer" (extracted from "From SARS to Covid-19 and Beyond: Public Health Lessons for Buildings", Buildings & Cities – see **Appendix 4.4**).

- iii. **Lesson from Covid:** The Covid-19 experience is that greater levels of ventilation reduce the risk of transmitting the disease between people. One of the needs is to ensure that new buildings include provisions that enable this to happen, preferably through natural ventilation. Experience has shown that higher ceiling heights provides for greater air capacity and dilutes the concentration of any virus that may be present, reducing the risk of infection:

*"From Figure 3 one can calculate that the volumetric airflow increases by approximately 0.12m<sup>3</sup> per every 0.5m<sup>2</sup> of the opening area (windows and external doors). When the height of the ceiling is higher, the airflow rate increases as well." (extracted from Oropeza-Perez, Ivan, "Fundamentals of*

Natural Ventilation Design within Dwellings” from *Different Strategies of Housing Design* – see **Appendix 4.2**).

In enabling good natural air flow through a building:

*“These approaches are mainly three: the ceiling height, the orientation of the façades, and the driving of the openings. A comparison between Figures 3 and 6 (not provided) clearly shows the influence of these approaches upon the natural ventilation performance, where the ceiling height is the second most influencing parameter, followed by the building orientation.”* (extracted from Oropeza-Perez, Ivan, “Fundamentals of Natural Ventilation Design within Dwellings” from *Different Strategies of Housing Design* – see **Appendix 4.2**).

- iv. **Consequences of Covid : Working From Home:** One of the consequences of the Covid experience has been that people are spending longer periods in their residential flats. In adapting to the pandemic and the social distancing measures at the time, companies adopted hybrid or remote work models. This has caused significant changes in the way society is operating because of improvements in technology and the movement towards working from home. Recent studies have shown that where people are not leaving their homes as often as previously, the flats need to be designed differently internally, to provide different spaces for the “work” functions and the “home” functions.

There is also a need to design so that the interior space is instrumental in creating a better psychological outcome by ensuring the space is not ‘oppressive’. A higher ceiling height is a means for achieving this, and also for allowing a better flow of natural light and air into the space where people are spending more of their time:

*“Even more astonishing is that a survey conducted during the second wave of the infection in Hong Kong shows that most employees surveyed had experienced WFH for at least one day a week (Hong Kong Public Opinion Research Institute 2020b), and expected to continue WFH for at least one or two days per week after the pandemic (Wong and Cheung 2020).*

....

*A study revealed that the number of working days and the time a person spent in teleworking also has an impact on work-family conflict (Solís 2016). In addition to individual factors, family factors also have an influence on WFH. For example, household characteristics such as size of the living area, number of family members sharing the same accommodation and the number and age of children in the household are considered as family factors influencing WFH (Baker, Avery, and Crawford 2007). Moreover, WFH can also be influenced by the individual working space available in the house and the number of people present when working at home (Baruch 2000; Shaw, Andrey, and Johnson 2003)”.*

...

*However, it seems hard for majority of the population to carve out a dedicated workspace at tiny homes.”*

(extracted from Vyas, Lina & Butakhieo, Natapong, “The Impact of Working from Home during COVID-19 on Work and Life Domains: an exploratory study on Hong Kong” from Policy Design and Practice – see **Appendix 4.5**).

- 11.6. The FTF height proposed in this application is therefore part of a growing world-wide trend which should be encouraged in Hong Kong. The evidence is clear that with climate change and warming temperatures, there is likely to be a more frequent occurrence of disease events like Covid. There is a need for better use of natural ventilation in our buildings with FTF heights which are going to be optimal in achieving a healthier, safer and more energy efficient internal living environment. The acceptance of work-from-home (WFH) as a long-term trend places even more importance on designing internal spaces to accommodate this changing use of domestic homes, with more people being present for longer periods. The psychological stress that this can create could be modified in part by providing better internal spaces where higher ceilings contribute to amenity within an apartment and the perception of space, and the internal space is not oppressive. Existing minimum FTF heights established in Hong Kong are based on a different historical setting. If the current needs and those of the future are to be looked at, then building designs addressing the future needs of the community should be encouraged, and not those of the past.

## **12. Planning and Design Merits**

### ***Achieving Better Urban Design and a More Sustainable Development***

- 12.1. As detailed in Section 9 of this Statement, the 2.5m wide maintenance walkway is a technical requirement, which resulted in the need to modify the design scheme and the need for a minor relaxation of BHR. The modifications made to the layout plan led to the formulation of an improved design scheme. It enabled additional planning and design merits to be provided, as compared with the previous S.12A scheme, and the existing condition. These are detailed below.

#### *Improved Air Ventilation*

- 12.2. By reducing the number of blocks from five to four blocks, it creates a building gap of about 8m between Block T3 and T4, and enhances the building separation between the adjacent Ebenezer New Hope School. This is an improvement as no building gaps were proposed in the previous S.12A scheme. It is also an improvement to the existing condition whereby the Ebenezer building is primarily a long continuous block with no building gaps, and is constructed right up to Pok Fu Lam Road with no setback.
- 12.3. As demonstrated in the Air Ventilation Assessment (Expert Evaluation) submitted as part of the S.16 application, the air ventilation at the pedestrian level in the surroundings would be improved with the change of building disposition, widened building separation and setback from Pok Fu Lam Road.

#### *Improved Visual Quality of the Area and Daylight Penetration*

- 12.4. The reduction from five to four blocks that creates a building gap would also prevent a wall effect. As a result, it would provide visual relief and improve visual openness, permeability and daylight penetration for the area. The additional building gaps, together with the proposed building setback from Pok Fu Lam Road would enhance the amenity in this part of Pok Fu Lam Road, and benefit the public as well as existing and future residents in this locality.

*Improved Sustainability*

- 12.5. The proposed building gap of about 8m between Block T3 and Block 4 not only fulfills the building gap requirement set out in PNAP APP-152 Sustainable Building Design (SBD) Guidelines but also exceeds the minimum requirement. This design ensures that the permeability of the low zone will be above the minimum requirement of 20%.
- 12.6. The excavation volume for the proposed scheme has been reduced as compared to the S.12A scheme, from about 50,400m<sup>3</sup> to 47,000m<sup>3</sup>. The amount of construction waste arising from the proposed development will subsequently be reduced, thereby improving the sustainability of the development.
- 12.7. In addition, the increase in FTF would assist natural ventilation in the residential units, enabling the proposed building to be more energy efficient. This would contribute to the Government's target to reduce energy consumption in residential buildings.

*Reduced Environmental Impact on the Neighbourhood*

- 12.8. By reducing the excavation volume, it also reduces the time required for site formation works. As a result, nuisances to the neighbourhood, including noise nuisance and air pollution, would be reduced which is a public gain.

*Improved Internal Living Quality*

- 12.9. The proposed increase in FTF height would improve the internal living quality for future residents. As explained in the previous section, this change would create a healthier, more resilient and safe living environment for future users. This is an important design merit in the face of climate change and rising temperatures. Additionally, the increased FTF height allows the development to adapt to the current and long-term needs of residents, particularly in response to the growing shift towards work from home arrangements.

*Improved Traffic Condition*

- 12.10. In Section 7 of this Review Statement, three layout options have been proposed to ensure that there will be no adverse traffic impact on Pok Fu Lam Road, and where possible, improvements will also be made.
- 12.11. The first option is the same as the S.16 application proposal whereby a 2m-wide bus layby is proposed. This is the only feasible proposal for including a bus layby that has been requested by Transport Department. The second option proposes to relocate the existing on-street bus stop to ensure an adequate sight distance for future residents and thus, ensures the safety of road users. Given the nature of the proposed development, whereby the numbers of pedestrians and bus passengers will be reduced, there will be an improvement to the traffic and pedestrian conditions. The third option proposes to widen

the public footpath, which is a planning and design merit. The widened footpath, increasing to 2.5m, would lead to a notable improvement from the existing footpath which varies from 1.85m to 1.95m in width. It would be a public benefit as the widened footpath will provide a more comfortable, pleasant and safe pedestrian environment for the public.

### ***Other Relevant Planning and Design Merits***

#### *Improved Public Realm*

- 12.12. Whilst there are additional planning and design merits arising from the modifications made to the design scheme as shown in the layout plan submitted in the S.16 application, the planning and design merits that has been consistently proposed since the S.12A scheme are still relevant. This includes the proposed green wall facing Pok Fu Lam Road.
- 12.13. The green wall will create visual interest, improve roadside amenity and views thus, improve the walking environment for pedestrians. This will greatly improve the current situation which mainly consists of a hard concrete structure.

### **13. Conclusion**

- 13.1. This application is for the submission of a layout plan and a minor BHR relaxation from 151mPD to 164mPD. The TPB should consider this application in relation to the stated requirements for a layout plan submission that are directly relevant. It has been demonstrated that the requirement for a layout plan submission has been fulfilled, and the key issues relating to environmental and sewerage aspects addressed.
- 13.2. This Review Statement has also addressed the reason for rejection (a) relating to the traffic impact of the proposed development as shown on the layout plan. The Traffic Impact Assessment has shown that there would be no adverse traffic impact on the surrounding road network, and that the public pedestrian footpaths would have the highest level of service "A" after the development is implemented. The technical constraints relating to highway structure, slope features, width of Pok Fu Lam Road, as well as the constraints relating to land ownership and associated management and maintenance responsibilities should be considered holistically. The proposed 2m-wide bus layby is a result of a thorough feasibility study, and is found to be the most feasible bus layby proposal given the site constraints.
- 13.3. The proposed minor relaxation of BHR is to accommodate the technical requirement for a maintenance walkway within the site, and to improve the sustainability of the development by reducing the excavation volume. It has been shown that the proposed building height of 164mPD is compatible with the surrounding developments. Despite the proposed minor relaxation of BHR, the proposed building would still remain to be much shorter or the same height as the buildings in the vicinity.
- 13.4. This application seeks to build a modern, resilient building that provides a high-quality living environment for future residents. The proposed scheme offers a number of planning and design improvements as compared to the existing condition as well as the previous S.12A scheme. Not only would these improvements benefit the future residents of the development, but it would also benefit the wider neighborhood. The only request is a minor

height relaxation that respects the context of the surrounding environment, whilst providing reasonable planning and design merits.

- 13.5. For the reasons above, the submitted layout plan is considered acceptable and the minor height relaxation for this application is reasonable, and the application should therefore be reconsidered and approved by the TPB.

Masterplan Limited  
November 2024

**Appendix 1: Town Planning Board Letter of Decision dated 9  
September 2024**



城市規劃委員會

香港北角渣華道三百三十三號  
北角政府合署十五樓

TOWN PLANNING BOARD

15/F., North Point Government Offices  
333 Java Road, North Point,  
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/H10/97

By Email

heather@masterplan.com.hk

9 September 2024

Masterplan Limited  
Room 3516B, 35/F, China Merchants Tower  
Shun Tak Centre  
200 Connaught Road Central, Hong Kong  
(Attn.: Ian Brownlee)

Dear Sir/Madam,

**Submission of Layout Plan and Proposed Minor Relaxation of Building  
Height Restriction for Permitted 'Flat' Use in "Residential (Group C) 7" Zone,  
The Ebenezer School and Home for the Visually Impaired, 131 Pok Fu Lam Road,  
Pok Fu Lam, Hong Kong**

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This letter supersedes my earlier letter to you of the same reference and date.

I refer to my letter to you dated 27.6.2024.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) the applicant fails to demonstrate that the proposed development as shown on the layout plan would have no adverse traffic impact on Pok Fu Lam Road; and
- (b) the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of building height restriction.

A copy of the TPB Paper in respect of the application is available at TPB website at this link ([https://www.tpb.gov.hk/en/meetings/MPC/Agenda/748\\_mpc\\_agenda.html](https://www.tpb.gov.hk/en/meetings/MPC/Agenda/748_mpc_agenda.html)). The relevant extract of minutes of the TPB meeting held on 16.8.2024 is enclosed herewith for your reference.

Under section 17(1) and 17(1A) of the Town Planning Ordinance (the Ordinance), an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. The application must be in writing and must set out the grounds for the review. If you wish to seek a review, you should inform me and provide the grounds for review within 21 days from the date of this letter (on or before 30.9.2024). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Erica Wong of the Hong Kong District Planning Office at 2231 4934.

Yours faithfully,



( Leticia LEUNG )

for Secretary, Town Planning Board

LL/CN/jl

Extracted from Confirmed Minutes of 748<sup>th</sup> Meeting of MPC held on 16.8.2024

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H10/97                      Submission of Layout Plan and Proposed Minor Relaxation of Building Height Restriction for Permitted 'Flat' Use in "Residential (Group C) 7" Zone, The Ebenezer School and Home for the Visually Impaired, 131 Pok Fu Lam Road, Pok Fu Lam, Hong Kong  
(MPC Paper No. A/H10/97B)

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9.                      The Secretary reported that the application site (the Site) was located in Pok Fu Lam. The following Members had declared interests on the item:

Professor Jonathan W.C. Wong                      - having close relative living in Pok Fu Lam; and

Mr Ben S.S. Lui                      - co-owning with spouse a property in Pok Fu Lam; his spouse owning a car parking space in Pok Fu Lam; and he and his spouse being directors of a company owning properties and car parking spaces in Pok Fu Lam.

10.                      The Committee noted that Mr Ben S.S. Lui had tendered an apology for being unable to attend the meeting. As the residence of Professor Jonathan W.C. Wong's close relative had no direct view of the Site, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

11.                      With the aid of a PowerPoint presentation, Ms Erica S.M. Wong, STP/HK, briefed Members on the background of the application, the proposed development, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department (PlanD) did not support the application.

*Traffic and Pedestrian Aspects*

12. Some Members raised the following questions:
- (a) whether widening of the footpath and provision of a bus layby on Pok Fu Lam Road (PFLR) were major considerations in approving the last section 12A (s.12A) application for rezoning the Site;
  - (b) the number of bus routes currently using the in-lane bus stop adjacent to the Site;
  - (c) the number of buses that could be accommodated at the same time in the bus layby proposed by the applicant;
  - (d) whether the applicant's proposal had taken into consideration the increased patronage brought by the future developments in the vicinity such as the new developments of The University of Hong Kong (HKU);
  - (e) whether part of the Site would need to be dedicated for public passage to facilitate the widening of the footpath and/or provision of a new bus layby; and
  - (f) whether there were other mechanisms in place to ensure the provision of up-to-standard public footpaths and a bus layby at a later stage.
13. In response, Ms Janet K.K. Cheung, DPO/HK, with the aid of some PowerPoint slides, made the following main points:
- (a) in the last approved s.12A application, the applicant proposed to widen the public footpath of PFLR from 1.8m to 2.5m and considered replacing the current in-lane bus stop with a bus layby. The Commissioner for Transport (C for T) had no objection to the s.12A application provided that the applicant would further examine the feasibility of providing a bus layby at the detailed design stage;

- (b) about 20 bus routes used the current in-lane bus stop adjacent to the Site. Since buses parked at the in-lane bus stop would block one lane of PFLR, C for T requested the provision of a bus layby at the s.12A application stage. Bus laybys were provided in other sections of PFLR in the vicinity of the Site;
- (c) C for T advised that the 2m-wide bus layby proposed by the applicant was non-standard and would reduce the width of existing traffic lane and the public footpath at PFLR, which was not acceptable;
- (d) the pedestrian impact assessment submitted by the applicant assumed that the footpath would be used solely by the subject development. C for T advised that the applicant should justify that assumption, taking into account the demand for using the footpath from the nearby developments, and review the proposed effective width of the footpath taking into consideration the boarding and alighting activities of bus passengers at the relocated bus stop;
- (e) in the original Supplementary Planning Statement submitted by the applicant under the current section 16 (s.16) application, the section of existing public footpath abutting the Site had been proposed to be widened to a consistent width of 2.5m for the benefit of the general public, resulting in about 40m<sup>2</sup> of private land within the Site being dedicated for public passage. However, the applicant removed the footpath widening proposal when addressing C for T's request for a bus layby in the subsequent further information submission. As explained by the applicant, the width of the footpath adjacent to the proposed bus layby would be reduced to only 1.3m due to site and technical constraints; and
- (f) given that the lease of the Site was virtually unrestricted and lease modification would not be required for the proposed development, the footpath and bus layby issues would need to be addressed during this layout plan submission stage.

*Minor Relaxation of Building Height Restriction (BHR)*

14. The Chairperson and some Members raised the following questions:
- (a) whether the proposed maximum building height (BH) of 164mPD at the Site was compatible with other developments in the surrounding area;
  - (b) the rationale for the applicant's claim that the air ventilation in the surrounding area could be improved by the current layout of the proposed development; and
  - (c) the planning and design merits proposed by the applicant and whether such merits could be enjoyed by the public.

15. In response, Ms Janet K.K. Cheung, DPO/HK, with the aid of some PowerPoint slides, made the following main points:

- (a) to the east of the Site across PFLR, there were a few residential developments with BHs of approximately 200mPD or above due to the hilly terrain. To the west of PFLR, the planned academic buildings for the Faculty of Medicine of HKU located immediately to the northwest of the Site had a BHR of 164mPD. The BHs of other existing HKU developments to the further northwest of the Site ranged from 169mPD to 189mPD. The proposed development with a minor relaxation of the BHR to 164mPD was considered not incompatible with the surrounding developments;
- (b) compared to the indicative scheme in the last approved s.12A application, the number of blocks in the current scheme was reduced from five to four, and a building gap of 8m wide would be provided between Blocks T3 and T4. Furthermore, there would be a 20m setback from PFLR compared to the existing condition. The Air Ventilation Assessment (Expert Evaluation) submitted by the applicant concluded that air ventilation at the pedestrian level in the surroundings would be improved with the change of building disposition, widened building separation and setback from PFLR under the current application; and

- (c) according to the applicant, reducing the number of blocks from five to four in the current scheme would enhance building separations within the proposed development and between the adjacent Ebenezer New Hope School, thus improving the local wind environment and visual permeability. The rise in site formation level would reduce the excavation volume by 3,400m<sup>3</sup>, thereby reducing construction waste, the time required for site formation works and nuisances to local residents. The applicant also proposed a green coverage of not less than 20% in the proposed development and a 2.5m high green wall facing PFLR to improve roadside amenity.

### Deliberation Session

16. The Chairperson recapitulated that the Site was rezoned from “Government, Institution or Community” to “Residential (Group C) 7” (“R(C)7”) with a BHR of 151mPD to take forward an agreed s.12A application for proposed residential development. During consideration of the last s.12A application, the Committee agreed to impose a requirement for the applicant to submit a layout plan through a subsequent s.16 application in order to address the Director of Environmental Protection’s concerns regarding environmental issues. The current s.16 application was for the submission of the layout plan required under the “R(C)7” zone. The applicant also sought planning permission for the proposed minor relaxation of BHR from 151mPD to 164mPD. As the lease of the Site was virtually unrestricted and lease modification would not be required for the proposed development, the applicant could proceed to the general building plan submission stage should planning permission be granted.

17. The Chairperson then invited Members to consider the application, in particular whether the technical requirements such as traffic and pedestrian arrangements as shown on the layout plan were acceptable, and whether there were genuine technical difficulties and sufficient planning and design merits to justify the proposed minor relaxation of BHR.

### *Traffic and Pedestrian Aspects*

18. At the invitation of the Chairperson, Mr B.K. Chow, Assistant Commissioner/Urban, Transport Department (TD) said that the proposal for widening the footpath along PFLR as proposed in the last approved s.12A application had not been included

in the current scheme. Besides, the proposed 2m-wide bus layby was non-standard and would reduce the width of the existing carriageway and public footpath, which were considered not acceptable. The applicant had not yet demonstrated that the proposal, particularly regarding the 1.3m-wide footpath adjacent to the proposed bus layby, had no adverse traffic impact. He added that a meeting was held among TD, the Highways Department and the applicant in May 2024, in which preliminary scheme on the widening of the footpath and provision of a proper bus layby in response to the technical issues raised by the applicant was discussed, but was not reflected in the current submission. C for T did not support the application from traffic engineering perspective.

19. A Member opined that while the need for the relocation of the in-lane bus stop was to facilitate the provision of an additional run-in/out for the proposed development, the applicant had not proposed an up-to-standard bus layby to address TD's concern. Besides, removing the footpath widening proposal under the last approved s.12A application was unsatisfactory. The Committee noted that the applicant did not use any of the private land within the Site for the provision of the bus layby nor the widened public footpath to address the traffic and pedestrian issues on PFLR, nor treat them properly as planning and design merits for the proposed minor relaxation of BHR. Members also noted that the public footpath near the Site would be used by people with visual impairments as the Site was located adjacent to Ebenezer Good Hope School. Members generally did not support the application from traffic and pedestrian points of view.

#### *Minor Relaxation of BHR*

20. Some Members questioned whether there were genuine technical difficulties and sufficient planning and design merits to justify the proposed minor relaxation of BHR. The Committee noted that such requirements as the provision of a buffer area from PFLR, access and parking facilities, greenery, and means of escape under Hong Kong Planning Standards and Guidelines, the Sustainable Building Design Guidelines and the lease had already been taken into consideration when formulating the indicative scheme for the last approved s.12A application. Compared with the indicative scheme under the last approved s.12A application, the increase in BH was mainly due to the addition of one storey for each block (the number of blocks was reduced from five to four), the increase in domestic floor-to-floor height from 3.15m to 3.5m, and the rise in site formation level.



21. Some Members opined that although the current scheme might improve air ventilation at PFLR and reduce the excavation volume, there was no strong justification to support the proposed development with minor relaxation of BHR to 164mPD e.g. need to increase floor-to-floor height from 3.15m to 3.5m. The applicant had not yet demonstrated sufficient planning and design merits that would benefit the public. A Member opined that approving the application for a minor relaxation of BHR without strong justification or merit would set an undesirable precedent.

22. Noting that the application was submitted by the Ebenezer School and Home for the Visually Impaired in support of its relocation, a Member enquired whether the application had any social dimension that warranted sympathetic consideration. The Committee noted that the applicant had not provided any justification from the social perspective. The meeting also noted that according to the Notes of the Outline Zoning Plan for the "R(C)7" zone, the applicant was required to submit a layout plan through s.16 application even though the proposed development complied with the BHR.

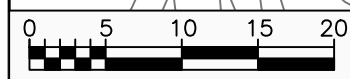
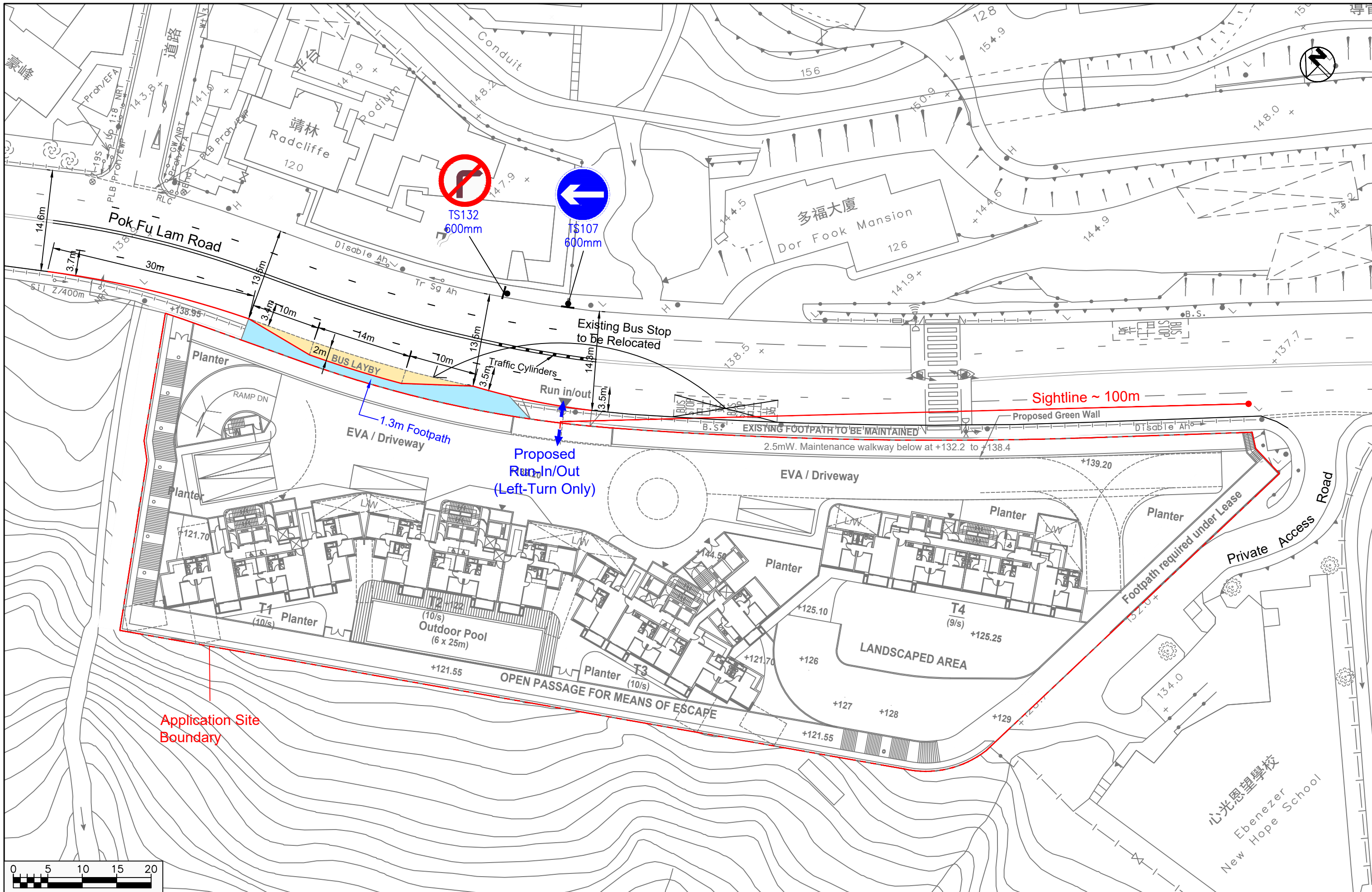
23. The Chairperson concluded that Members generally did not support the application. To reflect Members' views on the insufficient planning and design merits to justify the proposed minor relaxation of BHR, the Chairperson suggested and Members agreed that an additional rejection reason should be included.

24. After deliberation, the Committee decided to reject the application. The reasons were:

- “(a) the applicant fails to demonstrate that the proposed development as shown on the layout plan would have no adverse traffic impact on Pok Fu Lam Road; and
- (b) the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of building height restriction.”

**Appendix 2: Layout Plan Options**

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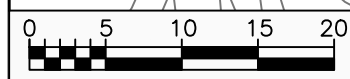
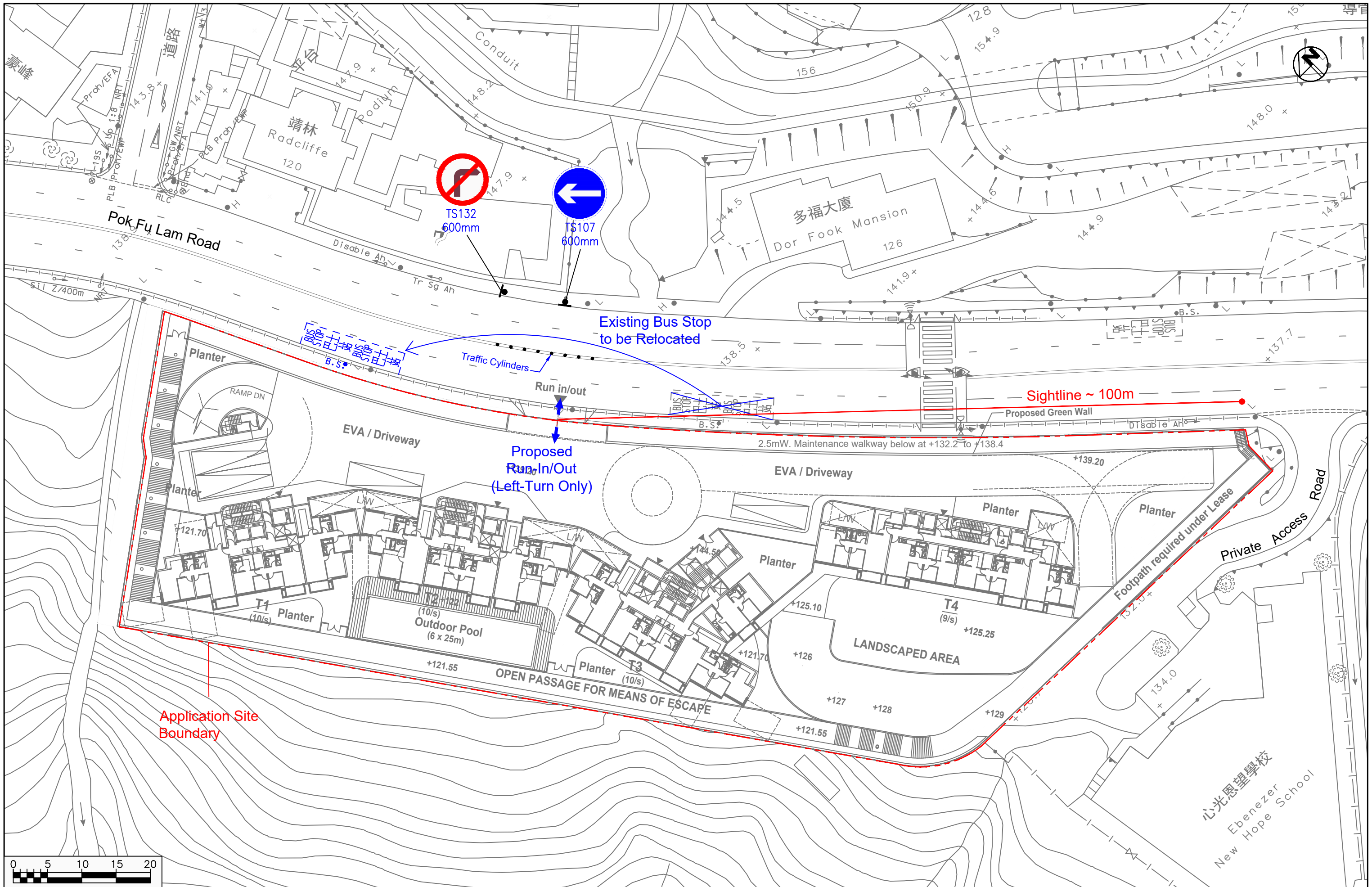
Project Title  
**S16 Application for Layout Plan Submission and Proposed Minor Relaxation of Building Height Restriction for Permitted Flat Use At 131 Pok Fu Lam Road, Hong Kong, RBL 136RP**  
**Proposed Relocation of Bus Stop - Option 1**

**OZZO TECHNOLOGY**

Project No. 82786	Rev.
Dwg No. Appendix A-1	-



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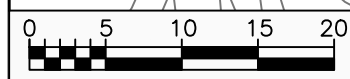
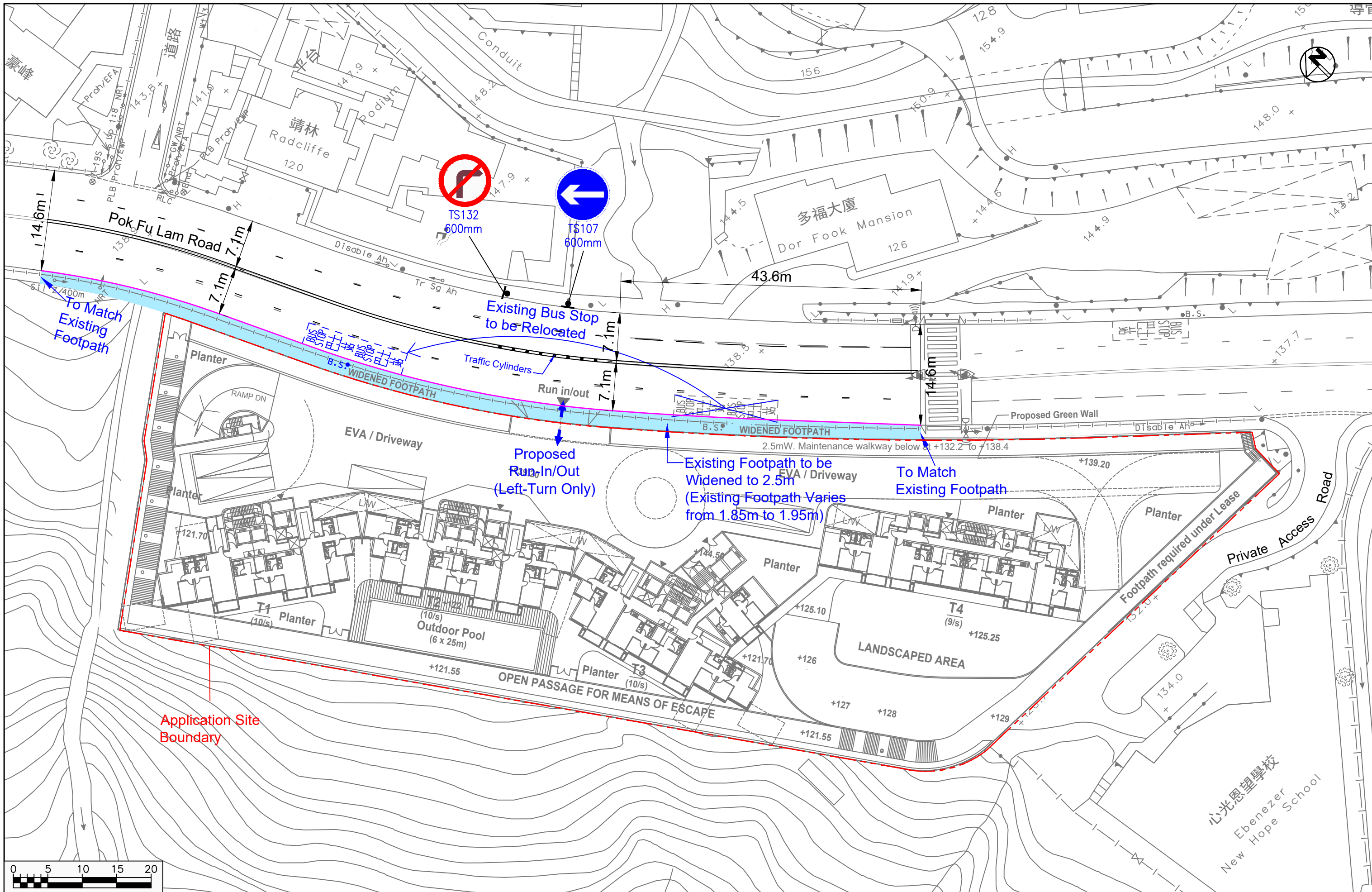
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Project Title  
**S16 Application for Layout Plan Submission and Proposed Minor Relaxation of Building Height Restriction for Permitted Flat Use At 131 Pok Fu Lam Road, Hong Kong, RBL 136RP**  
**Proposed Relocation of Bus Stop - Option 2**

**OZZO TECHNOLOGY**  
 Project No. 82786 Rev.  
 Dwg No. Appendix A-2 -



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Project Title  
**S16 Application for Layout Plan Submission and Proposed Minor Relaxation of Building Height Restriction for Permitted Flat Use At 131 Pok Fu Lam Road, Hong Kong, RBL 136RP**  
**Proposed Relocation of Bus Stop - Option 3**

**OZZO TECHNOLOGY**

Project No. 82786	Rev.
Dwg No. Appendix A-3	-

## **Appendix 3: Practice Notes and Joint Practice Note References**

1. Buildings Department Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-5; Height of Storeys Regulations 3(3) & 24 of Building (Planning) Regulations

5. The **minimum height of rooms for habitation or office for health reason** is 2.5 m. A range of storey height for domestic buildings may be accepted by BD for the purpose of regulation 23(3)(a) of the B(P)R provided that the proposed height of storeys does not exceed the following maximum heights:

<b>Flat</b>	<b>House</b>
Topmost floor – 4 m* Typical floor – 3.5 m	4.5 m

<https://www.bd.gov.hk/doc/en/resources/codes-and-references/practice-notes-and-circular-letters/pnap/APP/APP005.pdf>

2. Lands Administration Office Lands Department Practice Note Issue No. 4/2014 Accountable and Non-accountable Gross Floor Area (GFA) under Lease

#### Headroom/ceiling height (floor-to-floor height)

7. Generally, the floor-to-floor height of **3.5m** for flats and 4.5m for house developments are acceptable. Floor areas/spaces with excessive headroom (i.e. exceeding 3.5m for flats and 4.5m for house developments) will be rejected or double (or more) counted for GFA unless justified. However, certain high ceilings arising from constraints or from a desire to create an effect on certain part(s) of a building may be acceptable provided that the design, layout and size of the floor areas/spaces with high ceilings would not likely lead to abuse and such floor areas/spaces would not likely become converted into something that would result in the lease conditions being breached and provided further that the design, layout and size of the floor areas/spaces are approved by the BA. The examples are voids over living room, dining room or entrance foyer in a duplex flat/house, mall atriums in shopping arcades, banking halls, sporting halls and main entrance lobbies to hotels and the BA's ruling would usually be followed.

[https://www.landsd.gov.hk/doc/en/practice-note/lpn/2014\\_4\\_text.pdf](https://www.landsd.gov.hk/doc/en/practice-note/lpn/2014_4_text.pdf)

3. Joint Practice Note No. 5

#### **Range of Permissible Storey Heights and Thickness of Transfer Plates**

“12. The height of storeys and the thicknesses of transfer plates contribute to building height. BD is the authority in interpreting compliance and handling enquiries in these regards. Designs will be checked by BD in the building plan approval process to maintain minimum safety and health standards as well as to prevent abuse. A range of storey heights permissible in different types of residential developments and the guidelines for acceptable transfer plate designs are set out in Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-5.”

[https://www.pland.gov.hk/pland\\_en/tech\\_doc/joint\\_pn/jpn5\\_e.pdf](https://www.pland.gov.hk/pland_en/tech_doc/joint_pn/jpn5_e.pdf)

## **Appendix 4: References on Floor-to-Floor Height for Modern Buildings, Post-Covid Era**



## **Extracts of references for Section Error! Reference source not found. on Floor-to-Floor Height for Modern Buildings, Post-Covid-19 Era**

### **4.1 Relevant extracts from “Part 4: Designing the Building” from the New South Wales Government Apartment Design Guide<sup>1</sup>**

#### *“4C Ceiling heights*

*Ceiling height is measured internally from finished floor level to finished ceiling level. The height of a ceiling contributes to amenity within an apartment and the perception of space. Well designed and appropriately defined ceilings can create spatial interest and hierarchy in apartments.*

*Ceiling height is directly linked to achieving sufficient natural ventilation and daylight access to habitable rooms.*

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<sup>1</sup> “Part 4: Designing the Building” *New South Wales Apartment Design Guide*, New South Wales Department of Planning and Environment (July 2015), available at: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-part-4-designing-the-building-2015-07.pdf?la=en> (accessed on 19 May 2022)

4.2. **Relevant extracts from Oropeza-Perez, Ivan, “Fundamentals of Natural Ventilation Design within Dwellings” from *Different Strategies of Housing Design*<sup>2</sup>**

“ ...

**4.1 Thermal comfort**

...

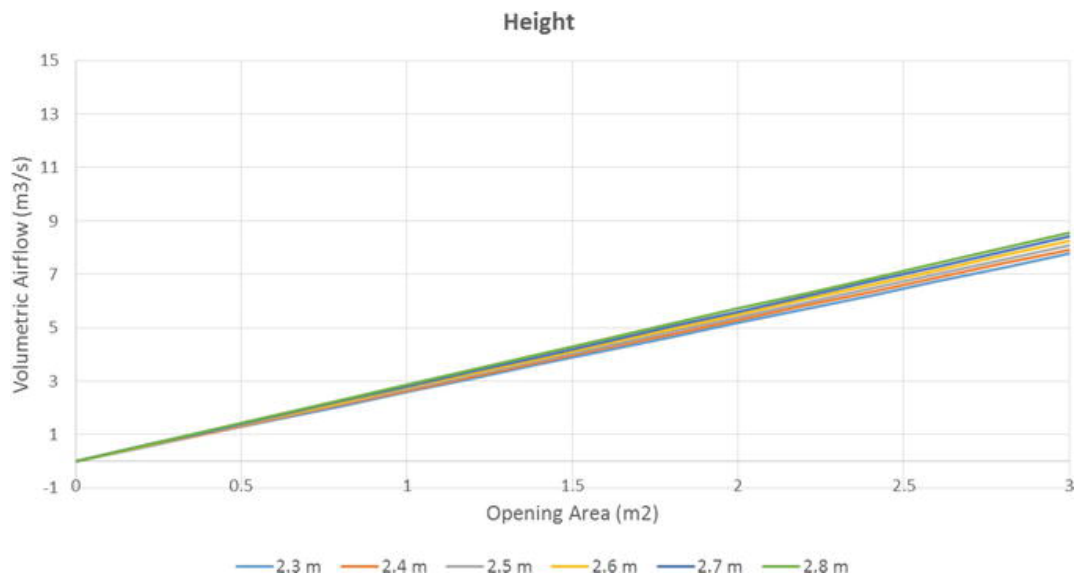


Figure 3. Volumetric airflow by varying the ceiling height and the effective opening area.

From Figure 3 one can calculate that the volumetric airflow increases by approximately 0.12m3 per every 0.5m2 of the opening area. When the height of the ceiling is higher, the airflow rate increases as well....

...

**5. Conclusions**

...

These approaches are mainly three: the ceiling height, the orientation of the façades, and the driving of the openings. A comparison between Figures 3 and 6 clearly shows the influence of these approaches upon the natural ventilation performance, where the ceiling height is the second most influencing parameter, followed by the building orientation. In both cases, the effective opening area plays a fundamental role to both increase the volumetric airflow rate and control it when it is necessary.

...”

<sup>2</sup> Oropeza-Perez, I., “Fundamentals of Natural Ventilation Design within Dwellings” in Çakmaklı, A.B. (ed.), *Different Strategies of Housing Design* (06 March 2019), available at: <https://www.intechopen.com/chapters/66000> (accessed on 27 November 2024)

4.3. **Relevant extracts from “Health Effects of Climate Change”, Centre of Health Protection Hong Kong<sup>3</sup>**

“ ...

***Health effects of climate change***

*Climate change represents a fundamental threat to lives and wellbeing. Direct and indirect impacts of climate change threaten human health by affecting some of the fundamental determinants of health – weather, air, water and food as well as transmission pattern of different diseases. The climate change is one of the biggest global health issues of the 21<sup>st</sup> century.*

*The effects of climate change will vary in different geographical location. For example, the more hot days will increase the heat-related diseases but the warming will decrease the cold-related mortality in some regions. However, overall speaking, the negative effects are more than the positive effects. Besides, some groups of people, such as the socially-deprived, children and elderly, are more vulnerable than others due to their particular sensitivities, high likelihood of exposure, low adaptive capacity, or combinations of these factors.*

...”

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<sup>3</sup> “Climate Change and Health”, Centre for Health Protection, Department of Health, Government of the Hong Kong Special Administrative Region (3 September 2024), available at: <https://www.chp.gov.hk/en/healthtopics/content/460/47430.html> (accessed on 27 November 2024)

#### 4.4. **Relevant extracts from Ng, Edward, “From SARS to Covid-19 and Beyond: Public Health Lessons for Buildings” from Buildings & Cities**<sup>4</sup>

“ ...

##### ***Covid-19***

*Unlike SARS in 2003, COVID-19 lingers much longer and affects more countries in the world. As such, the above precautionary public health measures will be with us longer. Apart from the economic problems that governments around the world are now trying to solve, the construction industry stakeholders and policy makers are beginning to talk about how we can design a more “disease resilient” and healthier built environment. For researchers in the field of buildings and cities, there are scholarly implications that are worth pondering over, and the subject matter requires further research.*

...

##### ***Towards healthy (disease resilient) buildings and cities***

...

- *Climate change: Epidemiologists (Patz, 2000) have already warned that new and unknown diseases will appear. For example, Dengue Fever cases in Hong Kong used to be imported from the Tropics. However, recently more local cases have been reported. WHO (2003) has already warned of an apparent increase in many infectious diseases. It is therefore likely that pandemics similar to COVID-19 will appear more often, will be more intense and will last longer*

*Furthermore, beyond diseases, the hotter and more extreme environment as a result of climate change will bring further heat-stress mortality (Lee, 2011). To migrate 1 C higher urban air temperature, the ventilation flow rate needs to increase by 0.4 m/s (Höppe, 1999). Future buildings and cities need to be designed to improve microclimate and ventilation at the urban, neighbourhood and street levels.*

*In summary, how we design our buildings and cities to address the six keywords -- “distance”, “fresh air” and “sunlight”, “social interaction”, “nature & openness” and “exercise” – will be topical questions for scholars.”*

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<sup>4</sup> Ng, E., “From SARS to Covid-19 and Beyond: Public Health Lessons for Buildings”, *Buildings & Cities* (19 April 2020), available at: <https://www.buildingsandcities.org/insights/commentaries/from-sars-to-covid-19-and-beyond.html>

(accessed on 27 November 2024)

4.5 **Relevant extracts from Vyas, Lina & Butakhieo, Natapong, “The Impact of Working from Home during COVID-19 on Work and Life Domains: an exploratory study on Hong Kong” from Policy Design and Practice**<sup>5</sup>

“ ...

***COVID-19 pandemic and work from home in Hong Kong***

...

*Working after the post-outbreak era may be the time to pay attention to the working alternative that organizations are going to take. For example, 9GAG, a Hong Kong based leading online platform, appears to be the first company in the city to shift toward WFH permanently (Chan 2020). Even more astonishing is that a survey conducted during the second wave of the infection in Hong Kong shows that most employees surveyed had experienced WFH for at least one day a week (Hong Kong Public Opinion Research Institute 2020b), and expected to continue WFH for at least one or two days per week after the pandemic (Wong and Cheung 2020). ...*

...

***Work from home: a framework of investigation***

...

*... A study revealed that the number of working days and the time a person spent in teleworking also has an impact on work-family conflict (Solís 2016). In addition to individual factors, family factors also have an influence on WFH. For example, household characteristics such as size of the living area, number of family members sharing the same accommodation and the number and age of children in the household are considered as family factors influencing WFH (Baker, Avery, and Crawford 2007). Moreover, WFH can also be influenced by the individual working space available in the house and the number of people present when working at home (Baruch 2000; Shaw, Andrey, and Johnson 2003).*

...

***SWOT analysis***

*... However, it seems hard for majority of the population to carve out a dedicated workspace at tiny homes.*

...

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<sup>5</sup> Vyas, L., and Butakhieo, N., “The impact of working from home during COVID-19 on work and life domains: an exploratory study on Hong Kong”, *Policy Design and Practice*, Vol. 4:1 (23 December 2020), available at: <https://www.tandfonline.com/doi/full/10.1080/25741292.2020.1863560> (accessed on 27 November 2024)

## ***Discussion***

...

*... WFH employees in Hong Kong, as in Singapore and India, were found to experience more stress, fear regarding job security, felt anxious, lonely, burnt out. As evident from a survey conducted between May and July 2020 by the Mental Health Association of Hong Kong, 87% of respondents were found to have symptoms of stress (Ng 2020b; Tam 2020). WFH in the COVID-19 era seems to have many negative consequences on workers' life domain. Nonetheless, through the time of the pandemic, WFH has reshaped the traditional way of working into a potential future of work."*